

Introduced by Senator Morrow and Polanco
(Coauthor: Assembly Member Dickerson)

February 26, 1999

An act to add Section 69915 to the Government Code, relating to court services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1196, as introduced, Morrow. Court consolidations: marshal's office.

Existing law authorizes the consolidation of court-related services in various counties.

This bill would provide that the marshal's office in every county shall be abolished and all personnel of the abolished offices shall merge into the sheriff's department.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 69915 is added to the
2 Government Code, to read:

3 69915. Notwithstanding any other provision of law,
4 the marshal's office in each county shall be abolished, and
5 all personnel of the abolished office shall merge into the
6 sheriff's department of the county.

7 (a) All personnel who, immediately preceding the
8 effective date of abolition of the marshal's office, are
9 assigned to the marshal's office in management,
10 administrative, supervisory, peace officer, clerical, and
11 other positions shall, on the effective date of the merger,
12 be assigned to the sheriff's department in the same
13 classification, or if those classifications are not within the
14 department, an equivalent classification; and no
15 probationary or permanent employee shall be laid off as
16 a result of the implementation of the abolition and
17 merger. No personnel of the marshal's office shall be
18 reduced in rank or salary, lose peace officer status, or
19 otherwise be adversely affected as a result of the merger.

20 (b) Upon abolition and merger, all county service or
21 service by employees of the marshal's office or the
22 sheriff's department on the effective date of a merger
23 under this section shall be counted toward seniority in the
24 sheriff's department, and all time spent in the same,
25 equivalent, or higher classification shall be counted
26 toward classification seniority. Permanent employees of
27 the marshal's office on the effective date of a merger shall
28 be deemed qualified, and no other qualifications shall be
29 required for employment or retention. Probationary
30 employees of the marshal's office on the effective date of
31 a merger shall retain their probationary status and rights,
32 and shall not be deemed to have transferred so as to
33 require serving a new probationary period.

34 (c) The clerical personnel described in subdivision (a)
35 shall become members of the court services division or
36 transferred to an equivalent classification within the
37 sheriff's department.

1 (d) The incumbent marshal on the effective date of
2 merger shall be assigned to an equivalent classification of
3 the sheriff's department and shall be in charge of the
4 court services division. Deputy marshals and court
5 service officers performing court-related duties shall be
6 assigned to an equivalent classification in the court
7 services division of the sheriff's department and shall not
8 be involuntarily transferred.

9 (e) Personnel of the marshal's office shall be entitled
10 to request an assignment to other divisions within the
11 sheriff's department, and those requests shall be
12 reviewed as any other such request in the department.
13 Acceptance of a voluntary transfer by a deputy marshal
14 shall invalidate any right of reassignment to the court
15 services division. Any personnel action pursuant to this
16 section shall be in accordance with the personnel policies,
17 rules, and regulations of the sheriff's department and the
18 county.

19 SEC. 2. Notwithstanding Section 17610 of the
20 Government Code, if the Commission on State Mandates
21 determines that this act contains costs mandated by the
22 state, reimbursement to local agencies and school
23 districts for those costs shall be made pursuant to Part 7
24 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the
26 claim for reimbursement does not exceed one million
27 dollars (\$1,000,000), reimbursement shall be made from
28 the State Mandates Claims Fund.

